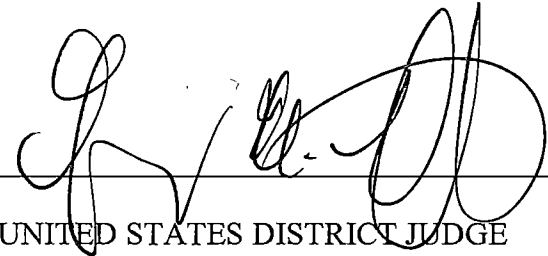


2. The term “**at least two different colors**” is construed to mean “more than one color.”²

Dated: April 27, 2016



UNITED STATES DISTRICT JUDGE

² The defendant argues that this term should be construed to mean “at least two different colors (not including flint).” In support, it notes that the ’737 patent specification refers to flint as “colorless” glass. The plaintiffs respond that references to flint as “colorless” do not mean the patentee intended to exclude flint as a color in the mixed colored cullet. The specification refers to “flint colored bottles,” ’737 patent at 4:4–6, and includes flint as part of a typical color distribution. *Id.* at 2:1–5 (“A typical color distribution is approximately 65% flint (colorless), 20% amber, and 15% green.”). Further, several claims list flint as a colored glass in the mixed colored cullet. *See id.*, claim 2 (“mixed color cullet comprising flint, green and amber colored glass”). The court is persuaded by the plaintiffs that flint qualifies as a color in the ’737 patent. Accordingly, the term is given its ordinary meaning of “more than one color.”